

of this section, including provision for suspension or revocation of periodical publication mail privileges for failure to furnish the required information.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 765.)

PART V—TRANSPORTATION OF MAIL

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§ 5001. Provisions for carrying mail

The Postal Service shall provide for the transportation of mail in accordance with the policies established under section 101(e) and (f) of this title and the provisions of this chapter. Notwithstanding any other provision of this title, the Postal Service may make arrangements on a temporary basis for the transportation of mail when, as determined by the Postal Service, an emergency arises. Such arrangements shall terminate when the emergency ceases and the Postal Service is promptly able to secure transportation services under other provisions of this title.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 766.)

EFFECTIVE DATE

Chapter effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

§ 5002. Transportation of mail of adjoining countries through the United States

The Postal Service, with the consent of the President, may make arrangements to allow the mail of countries adjoining the United States to be transported over the territory of the United States from one point in that country to any other point therein, at the expense of the country to which the mail belongs, upon obtaining a like privilege for the transportation of United States mail through the country to which the privilege is granted.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 766.)

§ 5003. Establishment of post roads

The following are post roads:

- (1) the waters of the United States, during the time the mail is carried thereon;
- (2) railroads or parts of railroads and air routes in operation;
- (3) canals, during the time the mail is carried thereon;

(4) public roads, highways, and toll roads during the time the mail is carried thereon; and

(5) letter-carrier routes established for the collection and delivery of mail.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 766.)

§ 5004. Discontinuance of service on post roads

The Postal Service may discontinue service on a post road or part thereof when, in its opinion, the public interest so requires.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 767.)

§ 5005. Mail transportation

(a) The Postal Service may obtain mail transportation service—

(1) from common carriers by rail and motor vehicle or persons as provided in chapter 52 of this title;

(2) from air carriers as provided in chapter 54 of this title;

(3) from water carriers as provided in chapter 56 of this title; and

(4) by contract from any person (as defined in section 5201(6) of this title) or carrier for surface and water transportation under such terms and conditions as it deems appropriate, subject to the provisions of this section.

(b)(1) Contracts for the transportation of mail procured under subsection (a)(4) of this section shall be for periods not in excess of 4 years (or where the Postal Service determines that special conditions or the use of special equipment warrants, not in excess of 6 years) and shall be entered into only after advertising a sufficient time previously for proposals. The Postal Service, with the consent of the holder of any such contract, may adjust the compensation allowed under that contract for increased or decreased costs resulting from changed conditions occurring during the term of the contract.

(2) A contract under subsection (a)(4) of this section may be renewed at the existing rate by mutual agreement between the contractor or subcontractor and the Postal Service.

(3) Any contract between the Postal Service and any carrier or person for the transportation of mail shall be available for inspection in the office of the Postal Service and either the Surface Transportation Board or the Secretary of Transportation if for the carriage of mail in foreign air transportation (as defined in section 40102(a) of title 49), as appropriate, and in post offices on the post roads involved as determined by the Postal Service, at least 15 days prior to the effective date of the contract.

(c) The Postal Service, in determining whether to obtain transportation of mail by carrier or person under subsection (a)(1) of this section, by contract under subsection (a)(4) of this section, or by Government motor vehicle, shall use the mode of transportation which best serves the public interest, due consideration being given to the cost of the transportation service under each mode.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 767; Pub. L. 92-286, May 1, 1972, 86 Stat. 133; Pub. L. 98-443, § 9(g)(2), Oct. 4, 1984, 98 Stat. 1707; Pub. L. 103-272, § 5(k)(2), July 5, 1994, 108 Stat. 1375; Pub. L.

104-88, title III, § 307(1), (2), Dec. 29, 1995, 109 Stat. 945, 946.)

AMENDMENTS

1995—Subsec. (a)(4). Pub. L. 104-88, § 307(1), substituted “5201(6)” for “5201(7)”.

Subsec. (b)(3). Pub. L. 104-88, § 307(2), substituted “Surface Transportation Board” for “Interstate Commerce Commission”.

1994—Subsec. (b)(3). Pub. L. 103-272 substituted “section 40102(a) of title 49” for “section 101 of the Federal Aviation Act of 1958”.

1984—Subsec. (b)(3). Pub. L. 98-443 substituted “Secretary of Transportation if for the carriage of mail in foreign air transportation (as defined in section 101 of the Federal Aviation Act of 1958)” for “Civil Aeronautics Board”.

1972—Subsec. (b)(2). Pub. L. 92-286 substituted “contractor or subcontractor” for “holder”.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of Title 49, Transportation.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-443 effective Jan. 1, 1985, see section 9(v) of Pub. L. 98-443, set out as a note under section 5314 of Title 5, Government Organization and Employees.

§ 5006. Lien on compensation of contractor

(a) A person who—

(1) performs service for a contractor or subcontractor in the transportation of mail;

(2) files his contract for service with the Postal Service; and

(3) files satisfactory evidence of performance with the Postal Service;

shall have a lien on money due the contractor or subcontractor for the service.

(b) The Postal Service may pay the person establishing a lien under subsection (a) of this section the sum due him, when the contractor or subcontractor fails to pay the person the amount of his lien within 2 months after the expiration of the month in which the service was performed. It shall charge the amount so paid to the contract. The payments may not exceed the annual rate of pay of the contractor or subcontractor.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 767.)

§ 5007. Free transportation of postal employees

(a) Each person or carrier engaged in the transportation of mail shall carry on any vessel, train, motor vehicle, or aircraft he operates, upon exhibiting their credentials and without extra charge therefor, persons on duty in charge of the mails or when traveling to and from such duty.

(b)(1) In this subsection, “air carrier” and “aircraft” have the same meanings given those terms in section 40102(a) of title 49.

(2) An air carrier engaged in transporting mail shall carry without charge on any plane it operates those agents and officers of the Postal Service traveling on official business related to transporting mail by aircraft, as prescribed by regulations of the Secretary of Transportation, on exhibiting credentials.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 768; Pub. L. 103-272, § 4(g)(1), July 5, 1994, 108 Stat. 1364.)

AMENDMENTS

1994—Pub. L. 103-272 designated existing provisions as subsec. (a) and added subsec. (b).

CHAPTER 52—TRANSPORTATION OF MAIL
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AMENDMENTS

1995—Pub. L. 104-88, title III, § 307(15), Dec. 29, 1995, 109 Stat. 946, substituted “Surface Transportation Board” for “Interstate Commerce Commission” in item 5207.

§ 5201. Definitions

For purposes of this chapter—

(1) “Board” means the Surface Transportation Board;

(2) “carrier” and “regulated surface carrier” mean a railroad, a freight forwarder, or a motor carrier;

(3) “railroad” means a railway common carrier, including an electric urban and inter-urban railway common carrier;

(4) “freight forwarder” means any regulated freight forwarder which holds itself out to the general public as a carrier to transport or provide transportation of property as authorized by a registration issued by the Board;

(5) “motor carrier” means a motor carrier, except a passenger-carrying motor vehicle of such a carrier, within the meaning of section 13102(12)¹ of title 49, that holds a registration issued by the Board;

(6) “person” includes any person other than a carrier holding a certificate or registration issued by the Board; and

(7) “mail” includes equipment and supplies of the Postal Service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 768; Pub. L. 95-473, § 2(a)(4)(A)–(C), Oct. 17, 1978, 92 Stat. 1465; Pub. L. 96-454, § 3(b)(2), Oct. 15, 1980, 94 Stat. 2012; Pub. L. 97-261, § 6(d)(4), Sept. 20, 1982, 96 Stat. 1107; Pub. L. 99-521, § 4(3), Oct. 22, 1986, 100 Stat. 2993; Pub. L. 104-88, title III, § 307(3)–(9), (14), Dec. 29, 1995, 109 Stat. 946.)

REFERENCES IN TEXT

Par. (12) of section 13102 of title 49, referred to in par. (5), was redesignated par. (14) by Pub. L. 109-59, title IV, § 4202(b), Aug. 10, 2005, 119 Stat. 1751.

AMENDMENTS

1995—Par. (1). Pub. L. 104-88, § 307(3), added par. (1) and struck out former par. (1) which read as follows:

¹ See References in Text note below.